

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:23-cv-00361-FDW

QUAMAINA MASSEY,)
)
)
Plaintiff,)
)
)
vs.)
)
)
FNU HENDLEY,)
)
)
Defendant.)
)

ORDER

THIS MATTER is before the Court on Plaintiff's "Motion for Discovery" and the attached discovery request. [Doc. 25, 25-1].

Pro se Plaintiff Quamaine Lee Massey ("Plaintiff") is a prisoner of the State of North Carolina currently incarcerated at Marion Correctional Institution ("Marion") in Marion, North Carolina. On December 21, 2023, he filed this action pursuant to 42 U.S.C. § 1983, naming as Defendants FNU Hendley; Morgan Kizer, Jr.; FNU Stancil; FNU Lowery; Robert Barker; FNU Padgett; and Curtis Tate; all identified as officials at Marion. [Doc. 1]. On February 15, 2024, Plaintiff's Second Amended Complaint passed initial review against Defendant Hendley in accordance with the Court's Order. [Doc. 14]. The remaining Defendants were dismissed. [Id. at 6]. Defendant Hendley's answer is due by June 3, 2024. [5/7/2024 Text Order].

Now before the Court is Plaintiff's "Motion for Discovery" and an attached discovery request Plaintiff purports to propound in this matter on Defendant Hendley. [Doc. 25]. The Court will deny this improper "motion." As Plaintiff was expressly advised in the Order of Instructions, discovery requests are not filed with the Court. [See Standing Order of Instructions, ¶ 7]. They should only be served on the opposing party. Moreover, discovery does not begin until the Court

enters the Pretrial Order and Case Management Plan, which does not occur until after Defendant Hendley answers Plaintiff's Second Amended Complaint. [See id.].

Plaintiff is cautioned to review the Order of Instructions, the Local Rules of this Court, and the Federal Rules of Civil Procedure before filing documents with this Court.
Any future improper filings may be summarily dismissed and/or stricken from the record.

Plaintiff is also admonished that this Court's address is United States Courthouse, 100 Otis Street, Room 309, Asheville, North Carolina 28801 and he should address correspondence to this Court accordingly.

IT IS, THEREFORE, ORDERED that Plaintiff's "Motion for Discovery" [Doc. 25] is **DENIED**.

IT IS SO ORDERED.

Signed: May 10, 2024


Frank D. Whitney
United States District Judge